

Appl. No. 10/791,619
Response dated April 29, 2005
Response to Restriction Requirement mailed on April 1, 2005

Patent Docket #P1123R1D1C1

REMARKS

Claims 48-65 remain in this application. Claims 56 and 58-64 are withdrawn as being drawn to non-elected subject matter, but pending rejoinder upon further consideration of the allowance of the depending generic claims. Claim 48 has been amended to correct minor clerical errors. No new matter is added by the amendments.

Support for the present amendment to Claim 48 appears at least at page 3, lines 16-17, page 5, lines 18 and 21-22, Figure 8, Figure 9 and Examples 3 and 4.

Restriction Requirement and Species Election

The Examiner has required a first 6-way election of species on the basis of allergens that initiate anaphylactic hypersensitivity. Specifically, Applicant is required to elect from the group of A) pollen, B) food, C) dust mites, D) animal dander, E) fungal spores and F) insect venom.

The Examiner has also required a second 5-way election of species on the basis of particular identity of IgE-mediated disorder. Specifically, the Applicant is required to elect from this group of A) asthma, B) allergic rhinitis, C) eczema, D) urticaria or E) food allergies.

Responsive to the Examiner's first species election, Applicants hereby elect the allergen B) food. Claim 57 is directed specifically to this species, while Claims 48-55 and 62-65 are generic.

Responsive to the Examiner's second species election, Applicants hereby elect the IgE-mediated disorder E) food allergy. Claim 65 is directed to this species, while Claims 48-61 are generic.

As the above elections are a species election, the Examiner is reminded of M.P.E.P. § 809.02(c) (B) (1) which prescribes that when a generic claim is found to be allowable . . . all claims to each of the additional species that are embraced by an allowable claim . . . that claims drawn to the non-elected species are no longer withdrawn since they are fully embraced by the allowed generic claim.

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The Examiner is encouraged to call the undersigned at the number indicated below if doing so might expedite prosecution.

This document is timely filed within the one-month period for response. Applicants believe that no fees are due with this submission. In the unlikely event that fees are due, Applicants hereby petitions the Commissioner to authorize any extensions of time and/or to deduct fees or add credits due to our Deposit Account 07-0630 as necessary to maintain the pendency of this application.

Respectfully submitted,

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